

**Approved: August 19, 2015**  
**Distributed: September 9, 2015**

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**August 5, 2015**

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, August 5, 2015, at 7:08 p.m. in Room C of the Ipswich Town Hall. Members present were Chairman Jennifer Hughes, Vice-Chair Sissy ffolliott, Commissioners David Standley, Brian O'Neill, Catherine Carney-Feldman, William McDavitt, Michele Hunton and Associate Commissioner Raymond Putnam. Also present was Agent Alicia Geilen and Recording Secretary Cathy Miaskiewicz.

**DEFINITION INDEX:**

**BMP** – Best Management Practice  
**BVW** - Bordering Vegetative Wetland  
**COC** – Certificate of Compliance  
**CR** – Conservation Restriction  
**DEP** – Massachusetts Department of Environmental Protection  
**EO** – Enforcement Order  
**ICC** – Ipswich Conservation Commission  
**NOI** – Notice of Intent  
**NBZ** – No-Build Zone  
**NDZ** – No-Disturbance Zone  
**O&M Plan** – Operations and Maintenance Plan (or continued compliance with applicable regulations and permit)  
**OOB** – Order of Conditions  
**ORAD** – Order of Resource Area Delineation  
**RDA** – Request for Determination of Applicability (*below is a list of possible outcomes for RDAs*)  
    **Negative #2 Determination**– This is an approval for work in in resource areas  
    **Negative #3 Determination**– This is an approval for work in in buffer zones  
    **Negative #5 Determination** – This is approval for work that meets the requirements of an exception under the WPA  
    **Negative #6 Determination**– This is an approval for work under the Ipswich Wetland Protection Bylaw  
    **Positive Determination** – This requires that the applicant file an NOI should they wish to pursue approval  
**RPA** - Riverfront Protection Act (M. G. L. Ch. 131 §40; regulations at 310 CMR 10.58.)  
**SWM** - Storm Water Management  
**WPA** – Massachusetts Wetlands Protection Act (M. G. L. Ch. 131 §40; regulations at 310 CMR 10.00 *et seq.*)  
**ZBA** – Zoning Board of Appeals

**Citizen's Queries:** None

**Ongoing Matters Being Continued to FUTURE Sessions:**

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<b>MATTER: 36-424: 17 Bayview Road,</b> Hughes Trust request for Certificate of Compliance. <i>Request continuance to 8/19/15.</i>
<b>DISCUSSION:</b> There was no one present for this matter.
<b>RECOMMENDATION OF AGENT:</b> <i>To continue to August 19, 2015 at the request of the applicant.</i>
<b>MOTION:</b> <p style="margin-left: 40px;">♦ A motion was made by Commissioner O’Neil to continue to August 19, 2015. The motion was seconded by Vice-Chair ffolliott and passed unanimously. Chairman Hughes was recused from voting.</p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p style="margin-left: 40px;">❖ None</p>
<b>DOCUMENT LIST:</b> <i>Continuation request</i>

**Ongoing Matters for THIS Sessions:**

<b>MATTER: 36-1260: Carl E. Gardner, Jr.</b> for work at <b>4 Emery Lane</b> shown on <b>Tax Map: 30C Lot: 79</b> for a <b>NOTICE OF INTENT</b> to <b>construct a new single family home with attached garage, driveway, deck, related grading and landscaping</b> in jurisdictional areas.
<b>DISCUSSION:</b> Present was applicant Carl Gardner, Jr. Agent Geilen read from an email from the applicant regarding environmental benefits for the side lot setback reductions granted by ZBA. Chairman Hughes stated that since this gave them more distance from the wetland, they could site it. They are not finding favor for anyone, just that the further away is better. [Discussion: NBZ/No Disturb Line established with fence] Commissioner Carney-Feldman was concerned about gray dogwood as being invasive. [Discussion: substitute with red osier dogwood or as approved by Agent.]
<b>RECOMMENDATION OF AGENT:</b> <i>To close the public hearing and issue a positive OOC with special conditions as corrected with Commissioner Standley’s comments and adding a finding of the setbacks and substitution for red dogwood by the agent.</i>
<b>MOTION:</b> <p style="margin-left: 40px;">♦ A motion was made by Commissioner Standley to close the public hearing. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</p> <p style="margin-left: 40px;">♦ A motion was made by Vice-Chair ffolliott to issue a Positive OOC with Special Conditions as stated above. The motion was seconded by Commissioner McDavitt and passed unanimously.</p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p style="margin-left: 40px;">❖ None</p>
<b>DOCUMENT LIST:</b> <i>Plan entitled “Site Plan” dated 7/28/15 prepared by County Land Surveys Inc.</i>

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**MATTER: 36-1253: Riverine, LLC** for work at **27 Water Street** shown on **Tax Map: 31D Lot: 91A** for a **NOTICE OF INTENT to reconstruct multi-family home, gangway/ramp and floats and construction of public access deck** in jurisdictional areas.

**DISCUSSION:** Present was Larry Graham of H.L. Graham Associates and attorney Daniel J. Bailey, III. Mr. Graham referred to Agent Geilen's handout titled "*27 Water Street Plan Review Comments - August 3, 2015*" and stated that he would only address those matters that pertained to the engineered plans he created. The following numbers are in reference to that handout:

**#2a: RPA regulatory exemption for "replacement structure" when destroyed by fire** [Discussion: Cantilevered areas on old building versus proposed building. Both should be included on all plans.] Mr. Graham stated that plans will be revised so that the entire proposed building, including overhangs and cantilevered sections fall within the former building's building footprint.

**#3b: Impervious Surface Calculations.** Cantilevered area is already included in calculations. No further action needed.

**#3c: Impervious Surface Calculations** Agent Geilen reiterated that loam and seed, gravel, and landscaped surfaces should not be lumped together in calculations, but split apart. Mr. Graham agreed to do this. [Discussion: Applicability of Riverfront Protection Act and regulations] Atty. Bailey disagreed with Agent Geilen's position, and referred to the Commission By-law regarding areas which are exempt under state law are exempt from the By-law. [Discussion: "green site" with respect to RPA versus WPA and By-law.] Agent Geilen noted that the site should be considered a "green site" under both the WPA and By-law, as neither of these require past uses/structures to be considered. Commissioner Hunton spoke of an Administrative Law Judge's 2002 ruling that an exemption under the RPA does it exempt the project from carry the WPA. A copy of the ruling was provided to Atty. Bailey.

**#4a: Stormwater Management** Mr. Graham stated that they installed nine soil borings and one monitoring well to assess soils and the water table. The well was able to measure water levels during higher than normal tide cycle. He will submit a full report of his findings, as well as SWM design changes for the September meeting.

**#4b and #4d: Stormwater Management** Mr. Graham will submit responses to Cammett's peer review General Comments for the September meeting. [Discussion: allow ability of direct discharge of stormwater to the Ipswich River.] Chairman Hughes noted that the DEP's BMPs do not include direct discharge; all stormwater is to be infiltrated or discharged to upland areas prior to reaching a resource area. [Discussion: drip edges (as used at old building), which would necessitate vegetated areas around the building; cisterns and rain barrels.]

**#4e: Stormwater Management** [Discussion: Direct discharge to River/photographs show downspouts from runoff to roof and will be the same provision for the new building.] Chairman Hughes stated that the roof runoff should be infiltrated and to consider discharge to land or cistern/rain barrels and possible overflow to discharge points on site. Mr. Graham discussed water levels. Commissioner Standley thought the previous house had a rubber roof and thought the runoff simply dripped over the eaves. Mr. Graham will try to quantify it.

**#5a: Resource Area Delineation/Regulatory Compliance Analysis (RAD/RCA) and Revised Plans** Information to be submitted.

**#5b: RAD/RCA and Revised Plans** The Limit of Work (LOW) will be moved out of all resource areas.

**#5c-e: RAD/RCA and Revised Plans** Agent Geilen referred to a handout titled "*27 Water Street Peer Reviews*" regarding consulting companies that had submitted cost estimates for peer reviews. Two costs estimates were submitted for the WPA/RPA regulatory review and two for the 21E review. Commissioner Carney-Feldman stated the applicant was expected to pay. Atty. Bailey questioned if any of the consultants bidding were doing any work for anyone before the commission. Agent Geilen said no. [Discussion: peer review choices; Commission does not need to choose the low bidder.] Agent Geilen reviewed the potential peer reviewers for WPA/RPA, saying that

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both were well qualified. Chairman Hughes agreed, and recommended choosing LEC because they were the less expensive. Commissioner Standley stated he would prefer Epsilon because he has had experience with both firms and would prefer them over LEC.

**♦ A motion was made by Commissioner Standley to use Epsilon Associates. The motion was seconded by Commissioner Carney-Feldman. The motion was opposed by Commissioner McDavitt and Chairman Hughes. The motion passed with a 6 to 2 vote.**

Agent Geilen discussed the peer reviewers for waste site cleanup. She stated that she was not familiar with IRWIN, but could highly recommend AMEC Foster Wheeler, even though they were more expensive. Commissioner Hunton stated that she was familiar with IRWIN Engineers and recommended them.

**♦ A motion was made by Commissioner Hunton to use IRWIN. The motion was seconded by Commissioner Carney-Feldman and was passed by majority. Commissioner Standley abstained.**

**#6a/b: Location of underground utilities** [Discussion: regarding underground utilities.] Mr. Graham stated that both decisions are in the hands of the utilities department and he will go with what they recommend.

**#7a: Activities proposed in the Town's Right of Way** [Discussion: snow storage calculations to determine when capacity of the site is exceeded; truck snow away, not go into the river.] Mr. Graham agreed and stated he will do his best to quantify what has been asked. Chairman Hughes stated that, instead of submitting calculations, snow management must be added to the O&M Plan. This plan must be given to all owner/renters and attached to the OOC. [Discussion: signage.]

**#7b: Activities proposed in the Town's Right of Way** [Discussion: Need for safe public access to "public viewing platform"; public parking; sidewalk from Town Wharf area to platform recommended by DPW.] Mr. Bailey stated it was a Ch. 91 matter. Commissioner Standley referred counsel to the Department of Justice regulations for handicap accessibility.

**#8a-b: Work in 100' Buffer Zone** [Discussion: natural vegetative buffer needed between seawall and building; deck areas should be reduced in size.] The plans will be revised to provide more "green space".

**#9: Project Compliance with Planning and Zoning Regulations** [Discussion: regarding Planning Board approvals.] Mr. Graham believes the project meets required setbacks. [Discussion: required parking.]

**#10d: Applicability of the 50' NBZ and 15' NBZ** [Discussion: size of decks with regard to number of residential units; decks in flood plain.]

**#10e: Applicability of the 50' NBZ and 15' NBZ** Agent Geilen noted that people are mowing BVW on Coastal Bank for access to the river. Atty. Bailey noted that this mowing was not done by his client. [Discussion: redesign of public viewing platform, or other ways to allow public launching of canoes/kayaks.] The Commission did not believe that this was a matter for discussion as part of this hearing.

This concluded the comments addressed toward the memo.

Agent Geilen discussed delineation of additional coastal bank by the A-series wetland. [Discussion: limits of Coastal Bank; peer reviewer input needed.] Agent Geilen referred to an email she received from a citizen asking about the seawall, and if an engineer should review its current state, and any proposed repairs. Agent Geilen suggested having a structural engineer prepare details on this work and provide a statement that the proposed work will not cause the wall to fail. Mr. Graham added that they are not depending on the structure of the seawall for the new building.

Atty. Bailey addressed #2e of the Agent's "27 Water Street Plan Review Comments - August 3, 2015" regarding the "historic high water mark". He stated DEP determined the limits of Formerly-Filled Tidelands for the state. The applicant disputed this determination for 27 Water Street and submitted a RDA under Chapter 91. No public

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hearing is required for that process. A negotiated settlement was reached with DEP. [Discussion: Ch. 91 license application process: modification existing water-dependent use application or submitting application for the proposed non-water dependent use. Commission and Agent recommended the latter, as water-dependent uses require a different form from proposed non-water dependent uses.]

Atty. Bailey referred to #3c and 2a of the Agent's "27 Water Street Plan Review Comments - August 3, 2015". [Discussion: sub-surface testing for chemical contamination, and Phase I/II versus M.G.L. Ch. 21E requirements.] [Discussion: "footprint", "structure" and "degraded" definitions with respect to RPA exemptions.]

Chairman Hughes opened the meeting to the abutters: **Abutter:** Janet Craft of 62 East Street: the NDZ and NBZ should apply to this property. They like the green space there now, and need clarity on proposed the vegetation. Chairman Hughes stated that it will become apparent in the revised plans to be submitted. [Discussion: public viewing deck elevation.] **Abutter:** Michael McGarty of 32 Water Street: concern about the docks and floats that sat in mud at low tide. Commissioner Standley stated that docks and floats must have feet to keep off of the mud flats. Some float/docks are approved by the Harbor Master; some are under jurisdiction of the ICC. Mr. McGarty also asked about the likely presence of hazardous soils stockpiled on site, a mitigation plan for flooding, and siltation fencing. Chairman Hughes stated that this was discussed at a prior meeting and that there will be no soil stock piling. Mr. Graham stated that was on the plan. [Discussion: Ch. 91 jurisdiction and "historic high water mark" concerns] **Abutter:** Bill Nelson of 29 Water Street: shared ICC pictures of flooding in the area. He's concerned about impacts of flooding on proposed fill for building. Chairman Hughes stated that once it was stabilized it would be no different than any other property on Water Street. Mr. Graham stated that there will be footing and a foundation wall around the entire building and that it will be contained. **Abutter** Paula Jones of Lakeman's Lane: concern regarding the seawall and enforcement of snow removal requirements. Chairman Hughes stated the Commission has the authority to enforce the snow removal issue, as it would be a Special Condition.

### RECOMMENDATION OF AGENT:

*To continue to September 2, 2015 for completion of the peer reviews.*

### MOTION: (see 2 motions above)

♦ **A motion was made by Commissioner Standley to continue to September 2, 2015. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

### ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

### DOCUMENT LIST:

*Packet prepared by Wetlands Preservation Inc. dated 7/29/15 including Wetlands Delineation and Regulatory Compliance Analysis and Mitigation Summary revised 7/28/15, Phase I Environmental Site Assessment and Phase II Limited Subsurface Investigation with appendices. Plans prepared by Graham Associates Inc. and Donohoe Survey Inc. dated 7/29/15 entitled, "Permit Plan, page 1", "Existing Conditions and Resource Area Locations Plan, page 2", "Layout Plan, page 3", "Drainage Utilities Grading Plan, page 4", "Resource Area Coverage Comparison Plan 1, page 5" and "Resource Area Coverage Comparison Plan 2, page 6".*

## New Public Hearings: Requests for Determination of Applicability:

**MATTER:** Edwin S. Ogiba Jr. for work at **Eagle Hill River (Area 1)** shown on **Tax Map 23A, Lot 001** for a **REQUEST FOR DETERMINATION OF APPLICABILITY** for aqua-culture activities in jurisdictional areas.

**DISCUSSION:** Chairman Hughes stated that the three areas for Eagle Hill River will be addressed at once. Present was Scott LaPreste, Shellfish Constable for the Town of Ipswich. Mr. LaPreste presented the aquaculture project. He discussed using nets with buoys and discussed the coordinates. Mr. LaPreste stated they may use "low impact" stakes. [Discussion: Soft shell clams as species, 12 year lease for harvesting clams, use of nets].

### RECOMMENDATION OF AGENT:

*To issue a Negative Determination #2 and #6.*

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<b>MOTION:</b>
♦ A motion was made by Vice-Chair ffolliott to issue a Negative Determination #2 and #6. The motion was seconded by Commissioner McDavitt and passed unanimously.
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b>
❖ None
<b>DOCUMENT LIST:</b>
<i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Sketch Plan, Private Shellfish Grant Activities Document, Memo from Robin Crosbie, Town Manager dated 7/1/15 Re: Private Shellfish Grant, Eagle Hill River.</i>

<b>MATTER: Perry K. Paone</b> for work at <b>Eagle Hill River (Area 2)</b> shown on <b>Tax Map 23A, Lot 001</b> for a <b>REQUEST FOR DETERMINATION OF APPLICABILITY</b> for aqua-culture activities in jurisdictional areas.
<b>DISCUSSION:</b> (See above. Same as Area 1)
<b>RECOMMENDATION OF AGENT:</b> <i>To issue a Negative Determination #2 and #6.</i>
<b>MOTION:</b>
♦ A motion was made by Vice-Chair ffolliott to issue a Negative Determination #2 and #6. The motion was seconded by Commissioner McDavitt and passed unanimously.
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b>
❖ None
<b>DOCUMENT LIST:</b>
<i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Sketch Plan, Private Shellfish Grant Activities Document, Memo from Robin Crosbie, Town Manager dated 7/1/15 Re: Private Shellfish Grant, Eagle Hill River.</i>

<b>MATTER: Vincent W. Martineau Sr.</b> for work at <b>Eagle Hill River (Area 3)</b> shown on <b>Tax Map 23A, Lot 001</b> for a <b>REQUEST FOR DETERMINATION OF APPLICABILITY</b> for aqua-culture activities in jurisdictional areas.
<b>DISCUSSION:</b> (See above. Same as Area 1)
<b>RECOMMENDATION OF AGENT:</b> <i>To issue a Negative Determination #2 and #6.</i>
<b>MOTION:</b>
♦ A motion was made by Vice-Chair ffolliott to issue a Negative Determination #2 and #6. The motion was seconded by Commissioner McDavitt and passed unanimously.
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b>
❖ None
<b>DOCUMENT LIST:</b>
<i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Sketch Plan, Private Shellfish Grant Activities Document, Memo from Robin Crosbie, Town Manager dated 7/1/15 Re: Private Shellfish Grant, Eagle Hill River.</i>

<b>MATTER: Bob Higgins</b> for work at <b>24 Dartmouth Road</b> shown on <b>Tax Map 15D, Lot 047</b> for a <b>REQUEST FOR DETERMINATION OF APPLICABILITY</b> to conduct soils testing in jurisdictional areas.
<b>DISCUSSION:</b> Present was Larry Graham of H.L. Graham Associates and applicant Bob Higgins. Mr. Graham spoke in regards to soil testing and showed the area on a map. He believed they would ultimately need to install a tight tank. Agent Geilen stated that the yard waste observed in the wetland needs to be removed by hand. Mr. Higgins spoke about the many, many years of historic grass dumping; how much should he remove? Chairman

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Hughes reiterated that Mr. Higgins needs to relocate the yard waste away from the wetland. She stated that he needed to remove any visible piles, and suggested talking to the Agent about how much to remove and where to move it.
<b>RECOMMENDATION OF AGENT:</b> <i>To issue a Negative Determination #5 and #6.</i>
<b>MOTION:</b> <p style="text-align: center;">♦ <b>A motion was made by Commissioner Carney-Feldman to issue a Negative Determination #5 and #6. The motion was seconded by Commissioner McDavitt and passed unanimously. Commissioner Standley abstained.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p style="text-align: center;">❖ <i>Enforcement letter to applicant regarding dumping</i></p>
<b>DOCUMENT LIST:</b> <i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled "Soil Testing Plan" dated 7/10/15 and prepared by Graham Associates, Inc.</i>

<b>MATTER: Bruce and Lynda Kubik</b> for work at <b>105 Town Farm Road</b> shown on <b>Tax Map 21, Lot 75</b> for an after-the-fact <b>REQUEST FOR DETERMINATION OF APPLICABILITY</b> for stoop, stairs and walk in jurisdictional areas.
<b>DISCUSSION:</b> Present was Larry Graham of H.L. Graham Associates. Mr. Graham stated that this was an after-the-fact RDA and presented the project. [Discussion: walkway materials/pea-stone/pervious]. NBZ and NDZ waivers requested.
<b>RECOMMENDATION OF AGENT:</b> <i>To issue a Negative Determination #3 and #6.</i>
<b>MOTION:</b> <p style="text-align: center;">♦ <b>A motion was made by Commissioner Standley to approve the waivers as requested. The motion was seconded by Commissioner O'Neill and passed unanimously.</b></p> <p style="text-align: center;">♦ <b>A motion was made by Vice-Chair ffolliott to issue a Negative Determination #3 and #6. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p style="text-align: center;">❖ <i>None</i></p>
<b>DOCUMENT LIST:</b> <i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled "Plan" dated 7/22/15 and prepared by Graham Associates Inc.</i>

**New Public Hearings/Notice of Intent and Formal Amendments:**

<b>MATTER: 36-1263: Town of Ipswich, MA</b> for work at <b>17 Fowlers Lane (Ipswich Animal Shelter)</b> shown on <b>Tax Map 30B, Lot 43</b> for a <b>NOTICE OF INTENT</b> for construction of an addition of an addition and installation of a fence in jurisdictional areas.
<b>DISCUSSION:</b> Present was Mike DeRosa of DeRosa Environmental Consulting, Inc., Larry Graham of H.L. Graham Associates and Nora Clark from the Ipswich Animal Shelter. Mr. DeRosa showed a PowerPoint presentation showing the proposed addition. All work will be out of the subzones. Mr. Graham discussed SWM (infiltration). Chairman Hughes asked about soils. Mr. Graham stated they had not done testing. [Discussion of roof runoff/drainage/manure management not a problem] Chairman Hughes requested they include a Special Condition that if soils are unsuitable they need to redesign or relocate SWM system. Ms. Clark stated they were



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going to keep the surface of dog run area as gravel/soil not concrete. Commissioner Carney-Feldman is a volunteer at the shelter and noted that they try not to keep the dogs at the shelter and are fostered out as much as possible.

### RECOMMENDATION OF AGENT:

*To close the public hearing and issue a positive OOC with special conditions (if soils unsuitable redesign or relocate) to be drafted for ICC review and signed on August 19, 2015.*

### MOTION:

♦ **A motion was made by Commissioner Carney-Feldman to close the public hearing and issue a Positive OOC with Special Conditions. The motion was seconded by Commissioner O'Neill and passed unanimously.**

### ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

### DOCUMENT LIST:

*NOI packet entitled, "Proposed Construction of an Addition and Fence Installation" prepared by DeRosa Environmental Inc. dated 7/22/15 including: Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled "Permit Plan" dated 7/15/15 and prepared by Graham Associates, Inc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service, Ipswich Animal Shelter Proposed Addition and Drainage Improvements ppt slideshow and Checklist for Stormwater Report prepared by Graham Associates, Inc. dated 7/29/15.*

**MATTER: 36-1264: Charles D. Vose** for work at **68 Linebrook Road** shown on **Tax Map: 30C Lot: 6A** for an **ABBREVIATED NOTICE OF INTENT** to **expand existing deck by 115 square feet** in jurisdictional areas.

**DISCUSSION:** Present was Charles Vose and Louise Vose for a request to expand the deck on their home, to provide more room for a family member in a wheelchair. [Discussion: proper form – RDA vs NOI. RDA is fine.] [Discussion: possible unpermitted gazebo. Owner says it was constructed back in the 1970's. Photos or other proof needed]. Agent Geilen discussed the wetland line, and believes it is inaccurate, so deck would be out of NBZ (no waiver needed). Mr. Vose stated there would be 3 footings, dug by hand and they would not use concrete. Agent Geilen stated that a site visit would be good because there is an old COC from 1988 that was never recorded and needs to be recorded. Chairman Hughes stated that the gazebo needed to be on the plan also.

### RECOMMENDATION OF AGENT:

*To continue to August 19, 2015 to allow time for the COC to be recorded, until more information is received about the gazebo, and until the ICC can have a site visit.*

### MOTION:

♦ **A motion was made by Commissioner Carney-Feldman to continue to August 19, 2015. The motion was seconded by Commissioner O'Neill and passed unanimously.**

### ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Applicant to provide proof of gazebo with building permit, old photos, etc.*

### DOCUMENT LIST:

*Mandatory Pre-filing Checklist, WPA Form 4 Abbreviated Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Sketch Plan, Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service*

## Other Business:

**MATTER: 36-81: Site Management Plan:** Miles River Sand and Gravel; **64 Paradise Road**, to discuss Best Management Practices.



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<b>DISCUSSION:</b> Present was Mike DeRosa of DeRosa Environmental Consulting, Inc., and Chris Thompson from Miles River Sand and Gravel. Mr. DeRosa showed a PowerPoint presentation which included aerial photographs of the wetland line and discussed the problem area (materials slumped into wetlands) and a potential restoration area. [Discussion: brush fire.] Mr. Thompson will use a new machine to start pulling this material back from the wetland edge. Mr. DeRosa stated that Mr. Thompson was willing to take on the phragmites which will open up native seed bank to reclaim the wet meadow. Mr. DeRosa discussed the restoration plan. NOI to be submitted.
<b>RECOMMENDATION OF AGENT:</b> <i>None</i>
<b>MOTION:</b> ♦ N/A
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> ❖ <i>None</i>
<b>DOCUMENT LIST:</b> <i>Miles River Sand and Gravel Update on Management Plan powerpoint presentation prepared by DeRosa Environmental, not dated</i>

### Enforcement Actions:

<b>MATTER: Enforcement Update for 9 Colby Road; Porter</b>
<b>DISCUSSION:</b> Present was Mike DeRosa of DeRosa Environmental Inc., and Doug Porter. Mr. DeRosa showed results of soil borings, which put the wetland line slightly into the yard. [Discussion: moving Japanese willow bushes to be NDZ edge and native plant replacement options]. Chairman Hughes suggested they add NDZ signage, one boulder with sign and to submit a sketch plan and monitor in the spring. Agent Geilen will send Field Inspector Decie out regarding a shed in the wetland on the abutter's property.
<b>RECOMMENDATION OF AGENT:</b> <i>None</i>
<b>MOTION:</b> ♦ A motion was made by Commissioner Standley to approve the restoration plan as described. The motion was seconded by Commissioner O'Neill and passed unanimously.  ♦ A motion was made by Commissioner Standley to revise the EO with no NOI and monitor for 1 year. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <i>Revise EO with new extended deadline for restoration plan - upon receipt of plan with requirement for monitoring during winter.</i>
<b>DOCUMENT LIST:</b> <i>9 Colby Road, Update and Recommendations ppt presentation prepared by DeRosa Environmental Inc. not dated</i>

*This matter was taken out of order:*

<b>MATTER: Enforcement Update for 4 Nuthatch Rd, Wallis</b>
<b>DISCUSSION:</b> Present was Larry Graham of H.L. Graham Associates. Agent Geilen explained that the applicant's attorney, Chip Nylen, requested the EO be lifted because they are submitting an NOI. Chairman Hughes stated that they would not lift it now. She recommended they keep the EO until the restoration work is completed. [Discussion: appeal options of the homeowner.]
<b>RECOMMENDATION OF AGENT:</b> <i>Discuss the matter on August 19th at the ATF NOI hearing.</i>
<b>MOTION:</b>

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♦ N/A
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> ❖ <i>None</i>
<b>DOCUMENT LIST:</b> <i>None</i>

<b>MATTER: Enforcement Update for 46 Labor In Vain Road; Sears</b>
<b>DISCUSSION:</b> Present was Mike DeRosa of DeRosa Environmental Inc. Mr. DeRosa gave an update and stated that the plants were arriving the next day and will be in by September 2, 2015. [Discussion: regarding fines hearing at District Court. ICC stated it would be okay to reschedule the hearing.]
<b>RECOMMENDATION OF AGENT:</b>
<b>MOTION:</b> ♦ A motion was made by Commissioner Standley to continue to October 7, 2015. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> ❖ <i>None</i>
<b>DOCUMENT LIST:</b> <i>None</i>

<b>MATTER: Possible Enforcement for 6 Agawam Avenue</b> for unauthorized dock/float in Ipswich river
<b>DISCUSSION:</b> There was no one present for this matter. [Discussion: new deck or new float/look at aerials to determine if dock is pre-existing/check with Harbor Master on permitting.]
<b>RECOMMENDATION OF AGENT:</b>
<b>MOTION:</b> ♦ N/A
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> ❖ <i>None</i>
<b>DOCUMENT LIST:</b> <i>None</i>

**Requests for Certificates of Compliance:**

<b>MATTER: 36-1245: 199 County Road,</b> Barbato request for Certificate of Compliance
<b>DISCUSSION:</b> There was no one present for this matter.
<b>RECOMMENDATION OF AGENT:</b> <i>To issue a full and final COC.</i>
<b>MOTION:</b> ♦ A motion was made by Vice-Chair ffolliott to issue a full and final COC. The motion was seconded by Commissioner McDavitt and passed unanimously.
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> ❖ <i>None</i>
<b>DOCUMENT LIST:</b> <i>None</i>

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**August 5, 2015**

<b>MATTER: 36-434: 16 North Ridge Road, Hurley request for Certificate of Compliance</b>
<b>DISCUSSION:</b> Present was Larry Graham of H.L. Graham Associates. Mr. Graham explained that this was a 1982 plan to replace a railroad tie wall and to build a 50 foot long retaining wall. The as-built survey for a COC revealed steps onto the beach that were not permitted. Agent Geilen stated that the retaining wall was longer than it was supposed to be. Commissioner Standley suggested they could pull the steps off of the beach, but would leave a 2' drop, so some other means of beach access would be needed. [Discussion: flip down stairs; wooden breakaway steps.] [Discussion: top of the Coastal Bank.] [Discussion: add native shrubs at top of seawall as mitigation for unauthorized steps. Alternative: removal of debris, railroad ties on mud flats.] A site visit was recommended.
<b>RECOMMENDATION OF AGENT:</b> <i>To continue to August 19, 2015.</i>
<b>MOTION:</b> <p style="text-align: center;">♦ <b>A motion was made by Commissioner Standley to continue to August 19, 2015. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</b></p>
<b>ACTION ITEMS / SPECIAL INSTRUCTIONS:</b> <p style="text-align: center;">❖ <i>Schedule site visit</i></p>
<b>DOCUMENT LIST:</b> <i>COC request, As-built plan entitled "Plan" dated 7/29/15 prepared by Graham Associates, Inc.</i>

**Discussion Items:**

Backlog Work: Update and Action Items

*None*

Interim Reports of Special Project Subcommittees

*None Known*

No-Disturbance Zone boundary markers

Agent Geilen asked the ICC about spending money for boundary markers, asking permission to charge \$5 per marker.

♦ **A motion was made by Commissioner Standley to allow the sale of marker for \$5.00 each from the fees fund. The motion was seconded by Vice-Chair ffolliott and passed unanimously.**

DEP Admin Consent Order, Ipswich Country Club

*Not discussed*

**Approval of Minutes:**

**7/1/2015** - The ICC will wait to approve the minutes from July 1, 2015. Commissioner Standley was concerned that in the minutes for 27 Water Street, it was stated that the ICC and applicant agreed with the agent and he questioned if that was correct. Agent Geilen had sent this section to Mr. Graham and Mr. Young for correction especially concerning the site being a green site.

**7/15/2015** - (hold for now)

**By-law Subcommittee meeting of 7/20/2015**

**IPSWICH CONSERVATION COMMISSION**  
**Meeting Minutes**  
**August 5, 2015**

♦ A motion was made by Vice-Chair ffolliott to approve the subcommittee minutes for July 20, 2015. The motion was seconded by Commissioner Standley and passed unanimously.

**Document Signage: (No Vote Required)**

- 36-1262: 439 Linebrook Rd. OOC approved 7/15/15
- 36-1155: 4 DPW culverts, Resign OOC for recording purposes
- 36-1011: 290 Argilla Rd, Resign OOC for recording purposes
- 36-874: 290 Argilla Rd, Resign OOC for recording purposes
- 36-680: 290 Argilla Rd, Resign OOC for recording purposes
- 36-568: 68 Linebrook Rd, Resign COC for recording purposes
- 36-461: 290 Argilla Rd, Resign COC for recording purposes
- 36-427: 290 Argilla Rd, Resign COC for recording purposes
- 36-381: 290 Argilla Rd, Resign COC for recording purposes

**Adjournment:**

♦ A motion was made by Commissioner Standley to adjourn at 10:45 p.m. The motion was seconded by Vice-Chair ffolliott and passed unanimously.

Respectfully submitted,



Cathy Miaskiewicz  
Recording Secretary

These minutes are the summary of a taped meeting and of secretarial notes. As such, the Ipswich Conservation Commission reserves the right to supplement these minutes with tapes and vice versa, to reflect the proceedings. The Ipswich Conservation Commission does not guarantee the quality of the tapes, nor does it exclusively rely upon them.